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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES R. MILNE
and MICHAEL D. MCDERMOTT

Appeal 2008-004967
Application 09/862,391
Technology Center 2600

Decided: October 28, 2009

Before KENNETH W. HAIRSTON, ROBERT E. NAPPI
and KEVIN F. TURNER, *Administrative Patent Judges*.
HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1 to 13. We have jurisdiction under 35 U.S.C. § 6(b).

We will sustain the obviousness rejections.

Appellants have invented a digital television architecture in which a global interface is operative to provide a technology-independent

communication path between a processing module and a presentation module (Figs. 1 and 4; Spec. 2, 4, 12, 13; Abstract).

Claim 9 is illustrative of the claimed invention, and it reads as follows:

9. A modular television architecture, comprising:
- a processing module including circuitry operative to convert an input signal from a first type into at least a second type, the conversion being performed in the digital domain;
 - a presentation module operative to convert audio and visual information contained within the at least second signal into a final signal for presentation on a display device, the audio and visual conversation being performed in a first domain, the presentation module being separate from and operating independently of the processing module; and
 - a global interface operative to provide a technology-independent communication path between the processing module and the presentation module.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Phillips	US 6,072,994	Jun. 6, 2000
Margulis	US 6,340,994 B1	Jan. 22, 2002 (filed Aug. 12, 1998)
Trovato	US 6,469,742 B1	Oct. 22, 2002 (filed Apr. 12, 1999)

The Examiner rejected claims 1 to 8, 10, and 13 under 35 U.S.C. § 103(a) based upon the teachings of Margulis, Trovato, and Phillips.

The Examiner rejected claims 9, 11, and 12 under 35 U.S.C. § 103(a) based upon the teachings of Margulis and Trovato.

With respect to claim 9, Appellants argue that Margulis does not teach or suggest a presentation module that forms a final signal (Br. 5 to 7), there is no reason to modify Margulis to include a global interface (Br. 7 to 10), and the proposed modification to Margulis would render Margulis inoperative for its intended purpose (Br. 10 and 11).

ISSUES

Have Appellants demonstrated that the Examiner erred by finding that Margulis describes a presentation module that forms a final signal?

Have Appellants demonstrated that the Examiner erred by finding that Margulis describes a global interface?

Have Appellants demonstrated that the Examiner erred by finding that the proposed modification to Margulis would not render Margulis inoperative for its intended purpose?

FINDINGS OF FACT (FF)

1. As seen in Figures 1 and 4 of Appellants' drawing, the global interface 16 is technology-independent interface between the processing module 12 and the presentation module 14.

2. Margulis describes a display input processor (DIP) 210 that converts an analog input signal into a digital signal in A/D converter 3002 (Figs. 2 and 3; col. 6, ll. 45 to 55; col. 7, ll. 18 to 23). A display output processor (DOP) 230 operating independently of the DIP 210 operates in the

digital domain to convert audio and visual information contained within the output from the DIP into a final signal for presentation on a display device 260 (col. 6, ll. 3 to 9). A databus 250 connects the DIP 210 and the DOP 230 (col. 6, ll. 3 to 6). An image modulator 245 of a direct view system or a projection system is used to provide the final display image signals to the display device 260 (col. 6, ll. 20 to 27; col. 23, ll. 17 to 38). The digital display system operates according to IEEE standard 1394 (col. 7, ll. 35 to 38).

3. Trovato describes an upgradeable television with manually replaceable modules (col. 4, ll. 6 to 24).

PRINCIPLES OF LAW

The Examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). If that burden is met, then the burden shifts to the Appellants to overcome the prima facie case with argument and/or evidence. *See Id.*

The Examiner's articulated reasoning in the rejection must possess a rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

ANALYSIS

For all of the reasons expressed by the Examiner (Ans. 3 to 9), and for the additional reasons set forth *infra*, we agree with the Examiner that the claimed invention is either taught by or would have been suggested by the applied references.

Turning first to claim 9, we agree with the Examiner (Ans. 7) that the output display images from the DOP 230 in Margulis are final display image signals that are used by image modulator 245 to place the image signals in a form suitable for the chosen type of display (FF 2).

With respect to Appellants' arguments that Margulis does not describe a global interface, we agree with the Examiner's conclusion (Ans. 5, 6, and 8) that the IEEE 1394¹ standard for the data bus 250 provides a plug-n-play technology-independent data communications interface between the DIP 210 and the DOP 230.

Appellants' arguments that the proposed modification to Margulis would render Margulis inoperative for its intended purpose are not convincing of the nonobviousness of the claimed invention set forth in claim 9 because Appellants' arguments are not sufficiently supported by evidence of record.

In summary, the obviousness rejection of independent claim 9 is sustained.

The obviousness rejections of claims 1 to 8 and 10 to 13 are sustained because Appellants have not presented any patentability arguments for these claims apart from the arguments presented for claim 9.

Appellants' arguments throughout the brief do not convince us of any error in the Examiner's positions in the rejections. *In re Oetiker*, 977 F.2d at 1445. The Examiner's articulated reasoning in the rejections possesses a rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d at 988.

¹ The IEEE standard 1394 is also known as FireWire.

CONCLUSION OF LAW

Appellants have not demonstrated that the Examiner erred by finding that Margulis describes a presentation module that forms a final signal.

Appellants have not demonstrated that the Examiner erred by finding that Margulis describes a global interface.

Appellants have not demonstrated that the Examiner erred by finding that the proposed modification to Margulis would not render Margulis inoperative for its intended purpose.

ORDER

The obviousness rejections of claims 1 to 13 are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

KIS

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